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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,837	08/31/2001	Semir S. Haddad	01-S-016 (STM101-00021)	2810
30425	7590	09/28/2006	EXAMINER	
STMICROELECTRONICS, INC. MAIL STATION 2346 1310 ELECTRONICS DRIVE CARROLLTON, TX 75006			DUNN, MISHAWN N	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/943,837	HADDAD, SEMIR S.	
	Examiner	Art Unit	
	Mishawn N. Dunn	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/82006 have been fully considered but they are not persuasive.
2. Applicant argues that Citta et al. does not teach or suggest a fixed-length packet having a header and payload, where the header defines the payload as recited in Claim 1. In response the Examiner respectfully disagrees. Citta et al. teaches fixed length data packets having both a header and a payload (col. 2, lines 59-62; col. 3, lines 19-29; figs. 3A, 3B). Citta et al. does not specifically disclose the header defining the payload, but not only would one with ordinary skill in the art would readily recognize that the purpose of a header is to define and handle the payload, the specification (pgs. 7-8) discloses that the header defines the payload. Therefore, either in combination or independently Citta et al. and the specification teach a fixed-length packet having a header and payload, where the header defines the payload. In addition, the specification (pgs. 7-8) discloses that the header defines the payload.

Applicant also argues that neither Applicant's admitted prior art nor Citta et al. teach or suggest that the fixed sized of said at least one fixed-size program packets is a multiple of a sector size of said storage disk as required by Claim 3. It is well known in the art for a storage disk, DVD or hard disk, to have sectors. Thus, it is possible for at least one-fixed-size program packet to cover a sector or multiple sectors of said storage disk. Therefore, it would obvious to one of ordinary skill in the art, to have at least one

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fixed-size program packets is a multiple of a sector size of said storage disk, in order to increase the recording density.

Applicant also argues that neither Applicant's admitted prior art nor Citta et al. teach or suggest that the header of each fixed-size packet defines **at least one of** stream type, timing information, and picture information. Page 9 of the Applicant's admitted prior art clearly states, "PES packets containing an ES are generally of fixed lengths." Applicant's admitted prior art (pgs. 7-8) also discloses that the "header includes presentation time stamp (PTS) field, a decoding time stamp (DTS) field, an elementary stream clock reference (ESCR) field, a elementary stream (ES) rate field, a DSM trick mode field, a copy information field, a prior PES clock recovery field, an extension field, and stuffing bytes." Therefore, the Applicant's admitted prior art teaches that the header of each fixed-size packet defines timing and picture information.

Applicant argues that neither Applicant's admitted prior art nor Citta et al. teach or suggest a digital video recorder, a storage disk and storing a fixed-size program packet in a multiplexed program stream in the storage disk as required by claims 6, 11, and 18. Applicant's admitted prior art discloses a digital video recorder with a storage disk (pg. 2) and packet multiplexing (pg. 4) with fixed-size packets (pg. 9). It would have been obvious one of ordinary skill in the art to store the fixed-size program packet in a multiplexed program stream in the storage disk, in order to efficiently compress and transmit the audio/video data.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Citta et al. (US Pat. No. 5,602,595).

5. Applicant's admitted prior art on pages 2-14 of the Specification, discloses the same digital video recorder capable of playing back a recorded program stream as specified in claims 1-20 of the present invention, the digital video recorder comprising a video processor capable of receiving an incoming program stream and converting said incoming program stream to a baseband signal capable of being displayed on a television associated with the digital video recorder; a storage disk; and a controller that multiplexes packetized elementary streams into a multiplexed program stream, the packetized elementary streams comprising PES packets of disparate size, the controller operable to receive the PES packets into a memory buffer, having a header and a payload, each header defines at least one of stream type, timing information and picture information, and associate and store ones of the at least one fixed-size program packets into the multiplexed program stream in the storage disk; and the fixed size of at least one fixed-size program packets is a multiple of a sector size of the storage disk.

The admitted prior art does not describe reformatting PES packets of disparate size into fixed-size program packets. However, Citta et al. discloses reformatting each

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of the received PES packets into at least one fixed-size program packet having a header and a payload (col. 1, lines 18-22; col. 2, lines 50-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the prior art by reformatting the PES packets into fixed length packets in order to increase the efficiency of transmitting data.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

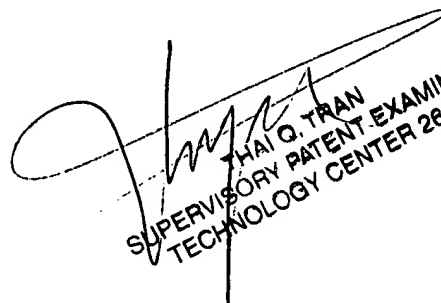
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mishawn Dunn
September 25, 2006



THAI Q. TRAN
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